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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,403	06/15/2001	Mamoru Suzuki	7217/64724	8321

7590 07/24/2003
 COOPER & DUNHAM LLP
 1185 Avenue of the Americas
 New York, NY 10036

EXAMINER

TIBBITS, PIA FLORENCE

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/882403

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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11

DATE MAILED:

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Commissioner of Patents and Trademarks

The amendment filed on July 7, 2003 canceling all claims drawn to the elected invention and presenting new claims is non-responsive (MPEP §821.03). The remaining claims are not readable on the elected invention because:

a) an election/restriction action mailed November 29, 2002 clearly indicated that claims 1-3 determining a battery remaining capacity with time control including, inter alia, a timer, an elapsed stand-by time, calculating a correction value based on the stand-by time, requires a different classification.

b) applicant agreed to that election, and the respective claims were canceled without prejudice in the response filed January 3, 2003.

c) the new claims incorporate the above-mentioned NON-ELECTED subject matter.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 8/09/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☒ 5. Other: Claims 4, 5, 6 WAS cancelled
on Amndt C

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Diane Martin - 703-306-0174
Supervisory Legal Instruments Examiner (SLIE)

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprc.pdf>